

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

v.

STOCKX LLC,

Defendant.

No. 22 CV 983 (VEC) (SN)

**DECLARATION OF CHRISTOPHER S. FORD IN SUPPORT OF DEFENDANT
STOCKX LLC'S MEMORANDUM OF LAW IN OPPOSITION TO NIKE, INC.'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Christopher S. Ford, an attorney duly admitted in the State of New York, and not a party to the above-captioned case, declare the following to be true under penalty of perjury:

1. I am counsel for StockX LLC ("StockX") in the above-captioned case, and as such I am familiar with the facts and circumstances set forth herein.
2. I submit this declaration in support of StockX's Local Rule 56.1 Statement in Support of StockX's Memorandum of Law in Opposition to Nike, Inc.'s Motion for Partial Summary Judgment.
3. Attached as **Exhibit 1** is a true and correct copy of excerpts of the deposition transcript of Ron Faris, dated December 7, 2022.
4. Attached as **Exhibit 2** is a true and correct copy of excerpts of the deposition transcript of Heather Paulson, dated January 6, 2023.

5. Attached as **Exhibit 3** is a true and correct copy of Pete Forester's LinkedIn webpage, which was obtained at my direction on September 4, 2024 from

<https://www.linkedin.com/in/pete-forester/>.

6. Attached as **Exhibit 4** is a true and correct copy of Morgan Baylis' LinkedIn webpage, which was obtained at my direction on September 4, 2024 from

<https://www.linkedin.com/in/morgan-baylis/>.

7. Attached as **Exhibit 5** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0025918–NIKE0025922.

8. Attached as **Exhibit 6** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0039044.

9. Attached as **Exhibit 7** is a true and correct copy of excerpts of the deposition transcript of Barbara Delli Carpini, dated January 10, 2023.

10. Attached as **Exhibit 8** is a true and correct copy of excerpts of the deposition transcript of Laura Rizza, dated February 1, 2023.

11. Attached as **Exhibit 9** is a true and correct copy of excerpts of the deposition transcript of Joe Pallett, dated February 8, 2023.

12. Attached as **Exhibit 10** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0037982.

13. Attached as **Exhibit 11** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0037984.

14. Attached as **Exhibit 12** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037849–NIKE0037850.

15. Attached as **Exhibit 13** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037856–NIKE0037858.
16. Attached as **Exhibit 14** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0038038.
17. Attached as **Exhibit 15** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0038039.
18. Attached as **Exhibit 16** is a true and correct copy of the March 20, 2023 article *Why Nike's Quality Control Is Suddenly Under Scrutiny*, by Evan Makachosky, from Gear Patrol, which was obtained at my direction from <https://www.gearpatrol.com/style/shoes-boots/a43364644/nike-quality-control-stockx-fakes/>.
19. Attached as **Exhibit 17** is a true and correct copy of the Expert Report of DeJongh “Dee” Wells and associated Appendices A–B, dated May 5, 2023.
20. Attached as **Exhibit 18** is a true and correct copy of excerpts of the deposition transcript of John Lopez, dated February 23, 2023.
21. Attached as **Exhibit 19** is a true and correct copy of excerpts of the deposition transcript of Mike Child, dated December 9, 2022.
22. Attached as **Exhibit 20** is a true and correct copy of excerpts of the deposition transcript of Jeffery Stec, dated July 13, 2023.
23. Attached as **Exhibit 21** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0036670–NIKE0036733.
24. Attached as **Exhibit 22** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0081473–NIKE0081513.

25. Attached as **Exhibit 23** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0773022.
26. Attached as **Exhibit 24** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0035611–NIKE0035650.
27. Attached as **Exhibit 25** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0035739–NIKE0035741.
28. Attached as **Exhibit 26** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037536–NIKE0037540.
29. Attached as **Exhibit 27** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0035903–NIKE0035909.
30. Attached as **Exhibit 28** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0036138–NIKE0036140.
31. Attached as **Exhibit 29** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0038001–NIKE0038002.
32. Attached as **Exhibit 30** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037499–NIKE0037503.
33. Attached as **Exhibit 31** is a true and correct copy of the International Standard ISO 22383 (1st ed.), by the ISO Copyright Office, dated September 2020.
34. Attached as **Exhibit 32** is a true and correct copy of the February 11, 2022 article *INFORM Consumers Introduction into the America Competes Act*, by Kari Kammel, from the Center for Anti-Counterfeiting and Product Protection.
35. Attached as **Exhibit 33** is a true and correct copy of the 2013 article *The Use of Cues in the Consumer Product Authentication Process*, by Zoltann-Levente Fejas and Jeremy Wilson,

from the Center for Anti-Counterfeiting and Product Protection, which was obtained at my direction on October 3, 2023 from <https://a-capp.msu.edu/article/the-use-of-cues-in-the-consumer-product-authentication-process/>.

36. Attached as **Exhibit 34** is a true and correct copy of the Expert Report of Kari Kammel, dated May 5, 2023.

37. Attached as **Exhibit 35** is a true and correct copy of excerpts of the deposition transcript of Kari Kammel, dated July 18, 2023.

38. Attached as **Exhibit 36** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0029089.

39. Attached as **Exhibit 37** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0030428–NIKE0030429.

40. Attached as **Exhibit 38** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0039100.

41. Attached as **Exhibit 39** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0039094.

42. Attached as **Exhibit 40** is a true and correct copy of the Expert Report of Catherine Tucker and associated Appendices A–D, dated May 5, 2023.

43. Attached as **Exhibit 41** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0038174–NIKE0038177.

44. Attached as **Exhibit 42** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037191–NIKE0037192.

45. Attached as **Exhibit 43** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0030430–NIKE0030431.

46. Attached as **Exhibit 44** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0039092.
47. Attached as **Exhibit 45** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0040010–NIKE0040011.
48. Attached as **Exhibit 46** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0041144–NIKE0041153.
49. Attached as **Exhibit 47** is a true and correct copy of excerpts of the deposition transcript of Brock Huber, dated June 29, 2023.
50. Attached as **Exhibit 48** is a true and correct copy of excerpts of the deposition transcript of Brock Huber, dated February 22, 2023.
51. Attached as **Exhibit 49** is a true and correct copy of excerpts of the deposition transcript of John L. Hansen, dated August 31, 2023.
52. Attached as **Exhibit 50** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0108368–STX0108369.
53. Attached as **Exhibit 51** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0041164.
54. Attached as **Exhibit 52** is a true and correct copy of the April 18, 2024 press release “StockX Brand Protection & Customer Trust Report Highlights Company’s Anti-Counterfeiting Investments, Efforts To Stop Bad Actors,” from StockX, which was obtained at my direction on August 29, 2024 from <https://stockx.com/about/stockx-brand-protection-customer-trust-report-highlights-companys-anti-counterfeiting-investments-efforts-to-stop-bad-actors/>.
55. Attached as **Exhibit 53** is a true and correct copy of excerpts of the deposition transcript of Jacob Fenton, dated December 2, 2022.

56. Attached as **Exhibit 54** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0220605.

57. Attached as **Exhibit 55** is a true and correct copy of excerpts of the deposition transcript of Russ Amidon, dated November 30, 2022.

58. Attached as **Exhibit 56** is a true and correct copy of the Expert Rebuttal Report of Catherine Tucker and associated Appendices A–C, dated June 2, 2023.

59. Attached as **Exhibit 57** is a true and correct copy of the “What Happens When a Seller Breaks the Rules?” webpage on the StockX website on August 27, 2024 which was obtained at my direction from <https://stockx.com/help/en-GB/articles/what-happens-when-a-seller-breaks-the-rules>.

60. Attached as **Exhibit 58** is a true and correct copy of the “What Does the Verification Process Entail for Sellers?” webpage on the StockX website, which was obtained at my direction on August 29, 2024 from <https://stockx.com/help/articles/what-does-the-verification-process-entail-for-sellers>.

61. Attached as **Exhibit 59** is a true and correct copy of excerpts of the deposition transcript of Michael Malekzadeh, dated February 22, 2023.

62. Attached as **Exhibit 60** is a true and correct copy of the April 12, 2024 article, *The Rise and Multi-Million Dollar Fall of Zadeh Kicks*, by Matt Halfhill, from Nice Kicks, which was obtained at my direction on September 4, 2024, from <https://www.nicekicks.com/the-rise-fall-and-implosion-of-zadeh-kicks-and-why-it-matters-beyond-the-sneaker-world/>.

63. Attached as **Exhibit 61** is a true and correct copy of Receiver’s Initial Inventory and Report in *In re Judicial Dissolution of Zadeh Kicks LLC dba Zadeh Kicks*, 22 CV 16510, filed on July 13, 2022, in the Circuit Court of Oregon, Lane County.

64. Attached as **Exhibit 62** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0774240.

65. Attached as **Exhibit 63** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0774284.

66. Attached as **Exhibit 64** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0039496.

67. Attached as **Exhibit 65** is a true and correct copy of the Expert Rebuttal Report of Jeffery A. Stec, dated June 2, 2023.

68. Attached as **Exhibit 66** is a true and correct copy of the “What is Nike’s Return Policy?” webpage, which was obtained at my direction on August 27, 2024 from <https://www.nike.com/help/a/returns-policy>.

69. Attached as **Exhibit 67** is a true and correct copy of the April 25, 2014 article, *The Decline of Nike in Sneaker Culture*, from The Campanile, which was obtained at my direction on September 4, 2024 from <https://thecampanile.org/2014/04/25/the-decline-of-nike-in-sneaker-culture>.

70. Attached as **Exhibit 68** is a true and correct copy of the February 14, 2016 article, *Nike’s Ongoing Struggle with Quality Control Issues*, by Ross Dwyer from Kicks 1-2, which was obtained at my direction on September 4, 2024 from <https://kicksonetwo.rossdwyer.com/2016/02/14/nikes-ongoing-struggle-with-quality-control-issues>.

71. Attached as **Exhibit 69** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0774394.

72. Attached as **Exhibit 70** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0024322–STX0024488.

73. Attached as **Exhibit 71** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0774239.

74. Attached as **Exhibit 72** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0039827–NIKE0039832.

75. Attached as **Exhibit 73** is a true and correct copy of excerpts of the deposition transcript of Roy Ikhyun Kim, dated February 8, 2023.

76. Attached as **Exhibit 74** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number STX0806024.

77. Attached as **Exhibit 75** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0036330–NIKE0036338.

78. Attached as **Exhibit 76** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0772968–STX0772971.

79. Attached as **Exhibit 77** is a true and correct copy of the Declaration of David P. Stapleton in Support of Receiver’s Motion for Order Approving Liquidation Plans in *In re Judicial Dissolution of Zadeh Kicks LLC dba Zadeh Kicks*, 22 CV 16510, filed on November 4, 2022 in the Circuit Court of Oregon, Lane County.

80. Attached as **Exhibit 78** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number ZK_NIKE_004353.

81. Attached as **Exhibit 79** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range ZK_NIKE_004711–ZK_NIKE_004712.

82. Attached as **Exhibit 80** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0025897–NIKE0025900.
83. Attached as **Exhibit 81** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0040533–NIKE0040536.
84. Attached as **Exhibit 82** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0040571–NIKE0040574.
85. Attached as **Exhibit 83** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0040126.
86. Attached as **Exhibit 84** is a true and correct copy of the “Nike Valiant Labs” webpage on the Crunchbase website was obtained at my direction on August 28, 2024 from https://www.crunchbase.com/organization/nike-valiant-labs/org_similarity_overview.
87. Attached as **Exhibit 85** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0035751–NIKE0035756.
88. Attached as **Exhibit 86** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0036135–NIKE0036136.
89. Attached as **Exhibit 87** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037473–NIKE0037477.
90. Attached as **Exhibit 88** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0035910–NIKE0035911.
91. Attached as **Exhibit 89** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0037582–NIKE0037587.
92. Attached as **Exhibit 90** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0037911.

93. Attached as **Exhibit 91** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number NIKE0037917.

94. Attached as **Exhibit 92** is a true and correct copy of the “IPU E-Commerce” webpage on the National Intellectual Property Rights Coordination Center website which was obtained at my direction on September 4, 2024 from <https://www.iprcenter.gov/file-repository/ipu-e-commerce.pdf/view>.

95. Attached as **Exhibit 93** is a true and correct copy of the March 2020 policy update “A Time for Action,” by Steven Francis, from the National Intellectual Property Rights Coordination Center, which was obtained at my direction on September 4, 2024 from <https://www.iprcenter.gov/file-repository/steve-francis-bpp-vol5-no1-policy-update-mar-2020.pdf>.

96. Attached as **Exhibit 94** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0058611–STX0058624.

97. Attached as **Exhibit 95** is a true and correct copy of the “What is Nike’s Return Policy?” webpage on the Nike EU website, which was obtained at my direction on August 27, 2024 from <https://www.nike.com/si/help/a/returns-policy-eu>.

98. Attached as **Exhibit 96** is a true and correct copy of the “Do Nike Shoes Have a Warranty?” webpage on the Nike website, which was obtained at my direction on August 28, 2024 from <https://www.nike.com/help/a/shoe-warranty>.

99. Attached as **Exhibit 97** is a true and correct copy of a document produced by StockX in this matter and bearing the Bates number range STX0190116–STX0190120.

100. Attached as **Exhibit 98** is a true and correct copy of excerpts of the deposition transcript of DeJongh Wells, dated August 30, 2023.

101. Attached as **Exhibit 99** is a true and correct copy of a document produced by Nike in this matter and bearing the Bates number range NIKE0039821–NIKE0039826.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: September 5, 2024
New York, NY

By: /s/ Christopher S. Ford
Christopher S. Ford